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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/597,110	05/10/2007	Dierk Schoen	WEBE-0020	6339

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HOFFMAN WARNICK LLC  
75 STATE STREET  
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ALBANY, NY 12207

EXAMINER
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ANGWIN, DAVID PATRICK

ART UNIT	PAPER NUMBER
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3729

NOTIFICATION DATE	DELIVERY MODE
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07/29/2009

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTOCommunications@hoffmanwarnick.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/597,110	<b>Applicant(s)</b> SCHOEN, DIERK	
	<b>Examiner</b> DAVID P. ANGWIN	<b>Art Unit</b> 3729	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 May 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 18-42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 18-42 are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### Election/Restriction

This application contains claims directed to the following patentably distinct species:

- I. **Species I** – method of manufacturing an angular transducer unit including “inserting or engaging a transducer centering device” embodiment (**claims 18-41**); and
- II. **Species II** – method of manufacturing an angular transducer unit including “inserting or engaging a bush centering device” embodiment (**claim 42**).

The species are independent or distinct because claims to the different species recite the mutually exclusive characteristics of such species. Specifically, **Species I** includes the limitation “inserting or engaging a transducer centering device,” whereas **Species II** does not include this limitation. **Species II** includes the limitation “inserting or engaging a bush centering device,” whereas **Species I** does not include this limitation. In addition, these species are not obvious variants of each other based on the current record. No claims are generic between Species I and II.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable.

In addition, if the applicant elects **Species I**, the applicant must further elect between the following patentably distinct species:

- I-A. **Species I-A** – method of manufacturing an angular transducer unit including “inserting or engaging a bush centering device in the tool body to form the bush receptacle” embodiment (**claims 19, 23, and 25**);

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- I-B. **Species I-B** – method of manufacturing an angular transducer unit including “fixing the transducer element relative to the tool” embodiment (**claims 20-21, 26, and 27**);
- I-C. **Species I-C** – method of manufacturing an angular transducer unit including “fixing the transducer centering device relative to the tool body” embodiment (**claims 22 and 24**);
- I-D. **Species I-D** – method of manufacturing an angular transducer unit including “removing the transducer centering device prior to fixing the transducer element in the bush” embodiment (**claim 28**);
- I-E. **Species I-E** – method of manufacturing an angular transducer unit including “fixing of the transducer element in the bush is provided by at least partly filling gaps with at least one of foam or moulding material” embodiment (**claim 29**);
- I-F. **Species I-F** – method of manufacturing an angular transducer unit including “wherein use is made of a tool with steps, which as a stop engages with at least one of a front end or a setback shoulder of the bush” embodiment (**claim 30**);
- I-G. **Species I-G** – method of manufacturing an angular transducer unit including “manufacturing several transducer units in parallel using a plurality of transducer receptacles and bush receptacles” embodiment (**claim 31**);
- I-H. **Species I-H** – method of manufacturing an angular transducer unit including “fixing the bush relative to the tool” embodiment (**claims 32 and 33**);
- I-I. **Species I-I** – method of manufacturing an angular transducer unit including “inserting and fixing several transducer elements in the angled bush” embodiment (**claim 34**);
- I-J. **Species I-J** – method of manufacturing an angular transducer unit including “pressing a shielding can into the bush” embodiment (**claims 35-40**); and
- I-K. **Species I-K** – method of manufacturing an angular transducer unit including “bringing the bush into at least one of a positive, a non-positive engagement, or a locking engagement with a printed circuit board” embodiment (**claim 41**).

The species are independent or distinct because claims to the different species recite the mutually exclusive characteristics of such species. Specifically, **Species I-A** includes the limitation “inserting or engaging a bush centering device in the tool body to form the bush receptacle,” whereas **Species I-B to I-K** do not include this limitation. **Species I-B** includes the limitation “fixing the transducer element relative to the tool,” whereas **Species I-A and I-C to I-K** do not include this limitation. **Species I-C** includes the limitation “fixing the transducer centering device relative to the tool body,” whereas **Species I-A to I-B and I-D to I-K** do not include this limitation. **Species I-D** includes the limitation “removing the transducer centering device prior to fixing the transducer element in the bush,” whereas **Species I-A to I-C and I-E to I-K** do not include this limitation. **Species I-E** includes the limitation “fixing of the transducer element in the bush is provided by at least partly filling gaps with at least one of foam or moulding material,” whereas **Species I-A to I-D and I-F to I-K** do not include this limitation. **Species I-F** includes the limitation “wherein use is made of a tool with steps, which as a stop engages with at least one of a front end or a setback shoulder of the bush,” whereas **Species I-A to I-E and I-G to I-K** do not include this limitation. **Species I-G** includes the limitation “manufacturing several transducer units in parallel using a plurality of transducer receptacles and bush receptacles,” whereas **Species I-A to I-F and I-H to I-K** do not include this limitation. **Species I-H** includes the limitation “fixing the bush relative to the tool,” whereas **Species I-A to I-G and I-I to I-K** do not include this limitation. **Species I-I** includes the limitation “inserting and fixing several transducer elements in the angled bush,” whereas **Species I-A to I-H and I-J to I-K** do not include

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this limitation. **Species I-J** includes the limitation “pressing a shielding can into the bush,” whereas **Species I-A to I-I and I-K** do not include this limitation. **Species I-K** includes the limitation “bringing the bush into at least one of a positive, a non-positive engagement, or a locking engagement with a printed circuit board,” whereas **Species I-A to I-J** do not include this limitation. In addition, these species are not obvious variants of each other based on the current record. **Claim 18 is generic between Species I-A to I-K.**

There is an examination and search burden for these patentably distinct species due to their mutually exclusive characteristics. The species require a different field of search (e.g., searching different classes/subclasses or electronic resources, or employing different search queries); and/or the prior art applicable to one species would not likely be applicable to another species; and/or the species are likely to raise different non-prior art issues under 35 U.S.C. 101 and/or 35 U.S.C. 112, first paragraph.

**Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species to be examined** even though the requirement may be traversed (37 CFR 1.143) **and (ii) identification of the claims encompassing the elected species**, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

The election of the species may be made with or without traverse. To preserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the election of species requirement, the

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election shall be treated as an election without traverse. Traversal must be presented at the time of election in order to be considered timely. Failure to timely traverse the requirement will result in the loss of right to petition under 37 CFR 1.144. If claims are added after the election, applicant must indicate which of these claims are readable on the elected species.

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the species unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other species.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim as provided by 37 CFR 1.141.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David P. Angwin whose telephone number is 571-270-3735. The examiner can normally be reached on 7:30 AM - 5 PM (M-F).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks, can be reached on 571-272-4419. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/A. Dexter Tugbang/  
Primary Examiner  
Art Unit 3729

DPA  
July 22, 2009